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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/774,694	02/01/2001	Yuichi Higuchi	35.C15094	3090	
5514 . 7	590 05/25/2005		EXAM	INER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			JACOBS, LA	JACOBS, LASHONDA T	
			ART UNIT	PAPER NUMBER	
,			2157		

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Defice Action Summary Catamber Lashonda T, Jacobs Lashonda T,	•		Application No.	Applicant(s)				
LaShonda T. Jacobs 2157	Office Action Summary		09/774,694	HIGUCHI, YUICHI				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address. Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edentows in time map be waithed under the provided under 14 13(6). In no event, however, may a reply be timely filed Edentows in time map to a validate under the provided or reply specified above is lace than think (30) days, a reply white in the statutory minimum of think (20) days will be considered timely. If the period for reply specified above is lace than think (30) days, a reply white in the statutory minimum of think (20) days will be considered timely. If No period for reply specified above is lace than think (30) days and will expire 30x (8) MOINT file from the mailing date of this communication, even if timely filed, may reduce almy cannot plate them adjustment. See 37 CFR 1.704(a). Status 1)⊗ Responsive to communication(s) filed on Q4 March 2005. 2a) ☐ This action is FINAL. 2b) ☑ This action is FINAL. 2b) ☑ This action is final. 3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)② Claim(s) 1.2.22.28.41.48 and 74.79 Is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5)☐ Claim(s) is/are allowed. 6)☐ Claim(s) is/are allowed. 7)☐ Claim(s) is/are objected to by the Examiner. 4)□ The provided the provided to th			Examiner	Art Unit				
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Paper No(s)/Mail Date 6) Other:								

Application/Control Number: 09/774,694

Art Unit: 2157

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's Election to the Restriction Requirement.

Applicant elected Group I to be prosecuted, which consist of claims 1-8, 21-28, 41-48 and 74-79.

Claims 9-19, 29-39 and 49-29 are withdrawn. Claims 20, 40 and 60-73 have been cancelled.

Claims 1-8, 21-28, 41-48 and 74-79 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1-8, 21-28, 41-48 and 74-79 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiohara.

As per claims 1 and 21, Shiohara discloses a server, which can communicate with a device, comprising:

- first management means for managing information representing an ability of said device (col. 4, lines 9-18);
- second management means for managing information representing an ability of a device driver for the device (col. 4, lines 42-49);

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- retrieval condition reception means for receiving a retrieval condition for selecting the device (col. 5, lines 66-67 and col. 6, lines 1-6);
- retrieval means for retrieving the device based on the information managed by first management means, the information managed by said second management means and the retrieval condition received by said retrieval condition reception means (col. 4, lines 9-18 and lines 42-49); and
- <u>output means for outputting</u> a retrieval result <u>obtained</u> by said retrieval means (col. 5, lines 66-67 and col. 6, lines 1-6).

As per claims 2, 22 and 42, Shiohara further discloses:

- first reception means for receiving the information representing the ability of the device (col. 4, lines 9-18); and
- second reception means for receiving the information representing the ability of the device driver for the device (col. 4, lines 42-49).

As per claims 3, 23 and 43, Shiohara further discloses:

 generation means for generating information by coupling the information managed by first management means and the information <u>managed</u> by said second management means together (col. 4, lines 9-18 and lines 42-49).

As per claims 4, 24 and 44, Shiohara further discloses:

• a registration means for registering the information generated by said generation means to a storage unit (col. 4, lines 19-29).

As per claims 5, 25 and 45, Shiohara further discloses:

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• comparison means for comparing information registered by said registration means with the retrieval condition (col. 4, lines 19-29).

As per claims 6, 26 and 46, Shiohara discloses:

- wherein said retrieval mean compares the information managed by said first
 management means, the information managed by said second management means and
 each condition included in retrieval condition with others (col. 4, lines 9-18 and lines
 42-49); and
- wherein said <u>output</u> means <u>outputs</u> an adaptivity based on the number of adapted conditions among the plural conditions included in the retrieval condition (col. 5, lines 66-67 and col. 6, lines 1-6).

As per claims 7, 27, and 47, Shiohara discloses:

• wherein the information representing the ability of the device is information concerning any one of a duplex print, an N-up print, a job copy, a page copy, an OHP insertion print, a resolution, the number of print pages, a paper size, and a status of said device (col. 3, lines 1-3 and col. 5, lines 1-19).

As per claims 8, 28 and 48, Shiohara discloses:

 wherein the retrieval by said retrieval means is performed with respect to plural devices (col. 6, lines 15-24).

As per claims 74 and 75, Shiohara discloses:

wherein said <u>output</u> means <u>outputs</u> the retrieval result in a form for discriminating the function executable by the device driver, as the result of the retrieval means (col. 5, lines 66-67 and col. 6, lines 1-6).

As per claims 76 and 78, Shiohara discloses:

• wherein said retrieving step <u>includes retrieving</u> the device for which at least one of the ability of said device and the ability of the device driver satisfies the retrieval condition (col. 5, lines 1-19).

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As per claims 77 and 79, Shiohara discloses:

• wherein <u>outputting</u> step <u>includes outputting</u> the retrieval result in a form for discriminating the function executable by the device driver, as the result of the retrieval in said retrieval step (col. 5, lines 66-67 and col. 6, lines 1-6).

Response to Arguments

3. Applicant's arguments with respect to claims 1-8, 21-28, 41-48 and 74-79 have been considered but are most in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,815,722 to Kalwitz et al

U.S. Pat. No. 5.323.939 to Barrett et al

U.S. Pat. No. 6,862,103to Miura et al

U.S. Pat. No. 5,832,298 to Sanchez et al

JP 2002215348 to Junichi

JP 08003839 to Hiroshi

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs Examiner Art Unit 2157

ltj May 20, 2005